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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,555	03/17/2004	Daisuke Tanaka	2004-0106A	3479

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EXAMINER
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ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/801,555	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> Mohammad Ali	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10, 11 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 2-8, 10--11, 17-19, 21-24 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5-8, 10-11, 17-18 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al., (JP 2003033612). Nakajima et al., disclose a filter 4/21/35 to be used in an air conditioning/refrigeration unit 12 (with heat exchanger like evaporator) comprising an inlet for drawing air; a heat exchanger, a diffuser (The exit of the refrigeration unit 12 acts as a diffuser) is for discharging air which has been heat exchanged by the heat exchanger; an air flow device 14 for blowing air the diffuser; an enzyme carrier 1/22/33/32 arranged in an internal space through which the air flows, and which supports an allergen deactivation enzyme; and an enzyme activation device (humid atmosphere creating by the heated heater in presence of moisture produced by the evaporator of the refrigeration unit 12) which, creates an atmosphere for activating the supported allergen deactivation enzyme, the refrigeration unit 12 inherently possesses compressor, condenser, evaporator, evaporator drain pan, drain, piping, etc. See Fig.1-4 and the enclosed translation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of MATSISHITA DENKI SAGYO (MATU) (JP 2000015036 A).

Nakajima et al., disclose the invention substantially as claimed as stated above.

However, Nakajima et al., do not disclose open/close device. MATU teaches the use of open/close device with inlet 16 and outlet 17 in an allergen decomposition device for the purpose of controlling airflow. See Fig. 1. Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the filter system with the refrigeration system of Nakajima et al., such that open/close device could be provided in order to control the air flow.

#### ***Allowable Subject Matter***

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 07/25 have been fully considered but they are not persuasive. The Applicant argued, "Contrary to the Examiner's position, Nakajima does not include an enzyme activation device that is operable to create an atmosphere for activating the allergen deactivating enzyme. While Nakajima may disclose a number of similar structural features with the present invention, there is no device as claimed that is operable to create an atmosphere in the internal space that activates the allergen deactivation enzyme support by the enzyme carrier.

Furthermore, Nakajima also fails to disclose or suggest an internal retaining device that is operable to retain air flow within the internal space." The Examiner disagrees. As per invention, to create an atmosphere for activating the allergen deactivation enzyme, the cooling mode is stopped and reverse to heating mode in order to heat the humidified air (happened during cooling mode of air conditioning) and thus allergen deactivation enzyme is created. Similar to the invention as stated above, Nakajima heats the humidified air after cooling mode of air conditioning and thus creates allergen deactivation enzyme. Air conditioning unit 12, though it is never closed in its inlet and outlet portion, it always holds in its interior space a portion of air either cooled or heated air because the interior of the unit 12 is never evacuated. On the other hand opening closing of the inlet and outlet is a feature of an air conditioning system. Therefore, the rejections are still valid. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4806. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4834.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mohammad M. Ali

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August 17, 2005